

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

RASMUSSEN AIR & GAS ENERGY, INC.,

Plaintiff,

v.

INGERSOLL-RAND COMPANY,

Defendant.

Civil Action No. 8:16-cv-103

**SECOND AMENDED  
FINAL PROGRESSION ORDER**

This matter is before the Court on the Joint Motion to Extend Discovery and Dispositive Motion Dates. ([Filing No. 54](#).) The parties have advised that mediation is scheduled for June 23, 2017, and that certain progression deadlines need to be amended to accommodate the mediation date.

The Court has reviewed the amended deadlines proposed by the parties and finds the dates generally acceptable. The parties should note, however, that modifying the summary judgment deadline as proposed by the parties necessitates rescheduling the pretrial conference and trial.

Accordingly,

**IT IS ORDERED** that the Joint Motion to Extend Discovery and Dispositive Motion Dates ([Filing No. 54](#)) is granted. The final progression order is amended as follows:

1. The jury trial of this case is set to commence before Robert F. Rossiter Jr., United States District Judge, at the Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on December 11, 2017**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
2. The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **November 27, 2017, at 11:00 a.m.** The parties' proposed pretrial conference order and exhibit list(s) must be emailed to [bazis@ned.uscourts.gov](mailto:bazis@ned.uscourts.gov), in either Word Perfect or Word format, by **5:00 p.m. on November 17, 2017**.
3. The deadline for completing written discovery is **August 14, 2017**, such that any new discovery requests must be served by **July 14, 2017**. Motions to compel Rule 33 through 36 discovery must be filed by **August 31, 2017**. Motions to compel shall not be filed without first contacting the chambers of the undersigned

magistrate judge to set a conference for discussing the parties' dispute.

4. Reply expert reports shall be disclosed by **July 21, 2017**.
5. The deposition deadline for fact and expert witnesses is **August 14, 2017**.
6. The deadline for filing motions to dismiss and motions for summary judgment is **August 30, 2017**.
7. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 30, 2017**. Any other motions in limine shall be filed by **November 20, 2017**.
8. By **November 6, 2017**, the parties shall disclose non-expert witnesses. Each party shall provide the name, address and telephone number of each non-expert witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
9. By **November 6, 2017**, each party shall disclose a list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits, designating on the list those exhibits it may offer only if the need arises.
10. The parties shall file a joint report by **June 30, 2017**, advising as to the outcome of mediation. The Clerk of Court is directed to set a case management deadline using the following text: "June 30, 2017: Mediation Status Report Due."

Dated this 6<sup>th</sup> day of June, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge